

Appendix A – Documents Cited in Tarbutton Affirmation

Source¹	Exhibit	Previous Use	Cited in Other Affidavits, Declarations, or Filings	Reasons Inadmissible and/or Immaterial²
Affirmation of Senator Joseph Robert “Bob” Kerrey, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”), dated February 24, 2012 (ECF No. 2927- 4)	Exhibit 1	Affirm. of Sean P. Carter, Ex. 4 (ECF No. 2927); Aver. Ex. 24 (ECF No. 2930)		Hearsay, FRE 602
Affirmation of Secretary John F. Lehman, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”), dated February 3, 2015 (ECF No. 2927-3)	Exhibit 2	Affirm. of Sean P. Carter, Ex. 3 (ECF No. 2927)		Hearsay, FRE 602
Declaration of Richard Ben-Veniste, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”), dated October 12, 2017	Exhibit 3		Kreindler Ex. 254	Hearsay, FRE 602
April 19, 2016 article appearing in Real Clear Politics, <i>Declassify the Secret 28 Pages</i> , authored by Timothy John “Tim” Roehmer, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”)	Exhibit 4			Hearsay, FRE 602, Preliminary investigative material
Transcript from <i>Anderson Cooper 360 Degrees</i> , televised by CNN on February 4, 2015	Exhibit 5			Hearsay, FRE 602

¹ Document descriptions, other than bracketed text indicating commonly-used short-form descriptors, are taken directly from the Affirmation. Their use is for convenience only and should not be taken as a concession that the descriptions are accurate.

² Defendant’s objections to the cited documents are made for purposes of the pending motion to dismiss. Defendant reserves the right to move to exclude, or to assert additional objections, in the event that any party seeks to admit any of the cited documents into evidence in any future proceeding.

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Source	Exhibit	Previous Use	Cited in Other Affidavits, Declarations, or Filings	Reasons Inadmissible and/or Immaterial
Affidavit of Michael T. Rochford, dated November 7, 2017	Exhibit 6			Hearsay, FRE 602, Preliminary investigative material
Affidavit of David Mitchell, dated November 7, 2017	Exhibit 7			Hearsay, FRE 602, Preliminary investigative material
Affirmation of Senator Daniel Robert “Bob” Graham, Co-Chair of the Joint Congressional Inquiry into the Terrorist Attacks of September 11, 2001, dated November 6, 2017	Exhibit 8			Hearsay, FRE 602, Preliminary investigative material
Affirmation of Evan Francois Kohlmann, dated November 9, 2017	Exhibit 9			Hearsay, FRE 602, Preliminary investigative material
FBI Report, <i>Updates and Initiatives (as of 5 October 2012)</i> [“Florida Bulldog Memorandum”]	Exhibit 10		Consol. Am. Compl., Appx. 3 (ECF No. 3463-4); Kreindler Ex. 2	Hearsay, FRE 602, FRE 901, Preliminary investigative material
Center for Religious Freedom of Freedom House and Institute for Gulf Affairs, <i>Saudi Arabia’s Curriculum of Intolerance With Excerpts from Saudi Ministry of Education Textbooks for Islamic Studies</i> , 2006	Exhibit 11			Hearsay, FRE 602
Part Four, Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (the “28 Pages”)	Exhibit 12		Consol. Am. Compl., Appx. 2 (ECF Nos. 3463-2-3); Kreindler Ex. 13	Hearsay, FRE 602, Preliminary investigative material
U.S. State Department Diplomatic Cable, <i>Bosnia: Algerian Case Continues to Draw Attention; Update on Outstanding Cases</i> , February 2002	Exhibit 13			Hearsay, FRE 602, Preliminary investigative material

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U.S. State Department Diplomatic Cable, <i>Terrorism Finance: Regulation of Charities</i> , May 2002	Exhibit 14			Hearsay, FRE 602, Preliminary investigative material
U.S. State Department Diplomatic Cable, <i>Bosnia Counter-Terrorism Update</i> , July 2002	Exhibit 15			Hearsay, FRE 602, Preliminary investigative material
U.S. State Department Diplomatic Cable, <i>Terrorist Finance: Bosnia's Dirty Dozen</i> , November 2002	Exhibit 16	Aver. Ex. 229 (ECF No. 2930)	Kreindler Ex. 243	Hearsay, FRE 602, Preliminary investigative material
U.S. State Department Diplomatic Cable, <i>Terrorist Finance: Al-Haramayn and Global Relief Face Criminal Charges</i> , November 2002	Exhibit 17			Hearsay, FRE 602, Preliminary investigative material
U.S. State Department Diplomatic Cable, <i>Terrorist Finance: Dirty Dozen's Web of Deceit</i> , August 2003	Exhibit 18			Hearsay, FRE 602, Preliminary investigative material
Letter from Alawi Mohammed Saeed Kamel (Chairman, Dallah Avco) to H.E. Eng. Mohamed Ahmed Ai-Salmi (General Manager of Airway Engineering, Presidency of Civil Aviation), 18/12/1419 A.H. (corresponding to April 4, 1999) (DA001101-1102)	Exhibit 19			Hearsay
Letter from Engineer Muhammad Ahmad Al Salemi (General Manager of Airways Engineering) to His Excellency/Chairman of the Board of Directors of the Dallah Group, 20/12/1419G (corresponding to April 6, 1999) (DA001104)	Exhibit 20			

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Letter from Alawi Mohammed Saeed Kamel (Chairman, Dallah Avco) to H.H./President of Civil Aviation, 21/12/1419 A.H. (corresponding to April 7, 1999) (DA001110)	Exhibit 21			Hearsay
Letter from Dr. Ali Bin Abdul-Rahman Al-Khalaf (President of the Civil Aviation) to H.H. Assistant Minister of Defense and Aviation and Inspector General for Civil Aviation Affairs, 1/1/1420 A.H. (corresponding to April 17, 1999) (DA001357)	Exhibit 22			
9/11 Commission Memorandum for the Record, Interview of Omar al Bayoumi, October 16-18, 2003	Exhibit 23	Aver. Ex. 30 (ECF No. 2930)	Kreindler Ex. 6	Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of Fahad al Thumairy, February 23-25, 2004	Exhibit 24	Aver. Ex. 31 (ECF No. 2930)	Kreindler Ex. 3	Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of Caysan bin Don, April 20, 2004	Exhibit 25	Aver. Ex. 32 (ECF No. 2930)		Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of FBI Special Agent [Name Redacted], November 17, 2003	Exhibit 26	Aver. Ex. 33 (ECF No. 2930)	Kreindler Ex. 12	Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of Osama Basnan, October 21-22, 2003	Exhibit 27	Aver. Ex. 34 (ECF No. 2930)		Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of Khalil A. Khalil, February 24, 2004	Exhibit 28		Kreindler Ex. 4	Hearsay, FRE 602, Preliminary investigative material

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9/11 Commission Memorandum for the Record, Interview of Mohammad Al-Qudhaieen, October 26, 2003	Exhibit 29			Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of Hamdan Bin Gharib Al-Shalawi, October 23, 2003	Exhibit 30		Kreindler Ex. 22	Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of Muhammad Jabber Hassan Fakihi, October 21, 2003	Exhibit 31	Aver. Ex. 74 (ECF No. 2930)		Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum, Meeting with Members of Majlis Ash Shura, October 14, 2003	Exhibit 32			Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum, Summary of Interviews Conducted in Saudi Arabia, February 25, 2004	Exhibit 33			Hearsay, FRE 602, Preliminary investigative material
U.S. Department of Defense, Joint Task Force Guantanamo Detainee Assessment for Ghassan Abdallah Ghazi al-Shirbi (a/k/a Abdulah al-Sharbi), October 15, 2004	Exhibit 34			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Fahad Althumairy (NON-USPER), IT-OTHER (UBL/AL-QAEDA)</i> , September 4, 2002	Exhibit 35	Aver. Ex. 35 (ECF No. 2930)	Kreindler Ex. 5	Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Fahad Althumairy (NON-USPER), IT-OTHER (UBL/AL-QAEDA)</i> , October 25, 2002	Exhibit 36		Kreindler Ex. 19	Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Omar Al Bayoumi, Employed By Dallah Al Baraka</i> , April 15, 2002	Exhibit 37	Aver. Ex. 36 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material

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Source	Exhibit	Previous Use	Cited in Other Affidavits, Declarations, or Filings	Reasons Inadmissible and/or Immaterial
FBI Report, <i>Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia</i> (Version #1)	Exhibit 38	Aver. Ex. 37 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia</i> (Version #2)	Exhibit 39	Aver. Ex. 38 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia</i> (Version #3)	Exhibit 40	Aver. Ex. 39 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia</i> (Version #4), FBI Document Compiled by the JICI Task Force, ASAC Robert Blecksmith (October 9, 2002)	Exhibit 41			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>PENTTBOMB; Major Case 182</i> , October 3, 2001 (Version #1)	Exhibit 42	Aver. Ex. 49 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>PENTTBOMB; Major Case 182</i> , October 3, 2001 (Version #2)	Exhibit 43	Aver. Ex. 50 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>PENTTBOMB; Major Case 182</i> , October 3, 2001 (Version #3)	Exhibit 44	Aver. Ex. 51 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement concerning Omar al Bayoumi, September 22, 2001	Exhibit 45	Aver. Ex. 52 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material

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FBI Report, <i>PENTTBOMB</i> , April 11, 2002	Exhibit 46	Aver. Ex. 63 (ECF No. 2930)	Kreindler Ex. 11	Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Mihdar Mohammad Al-Mihdar Zaid, A.K.A. Mohdar Mohamed Abdullah; IT-UBL/Al QAIDA</i> , May 17, 2004.	Exhibit 47	Aver. Ex. 46 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Mihdar Mohammad Al-Mihdar Zaid, A.K.A. Mohdar Mohamed Abdullah; IT-UBL/Al QAIDA</i> , May 18, 2004	Exhibit 48	Aver. Ex. 47 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement concerning Omar al Bayoumi and Mohdar Abdullah, January 15, 2002 and January 11, 2001	Exhibit 49	Aver. Ex. 45 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>PENTTBOMB; Major Case 182</i> , August 6, 2002	Exhibit 50			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>[Redacted] UBL – Al QAEDA</i> , August 6, 2002	Exhibit 51			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>PENTTBOMB; Major Case 182</i> , June 3, 2002	Exhibit 52			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement concerning Qualid Benomrane, March 7, 2002	Exhibit 53			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Ziyat Kharfan, a.k.a. Ziad Mohamad Karfan; IT-UBL</i> , January 8, 2002	Exhibit 54			Hearsay, FRE 602, FRE 901, Preliminary investigative material

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FBI Report, <i>Ali Ahmad Mesdaq; International Terrorism-Usama Bin Laden</i> , January 28, 2002	Exhibit 55			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement, January 15, 2002 (Version #1)	Exhibit 56			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement, January 15, 2002 (Version #2)	Exhibit 57			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement, January 15, 2002 (Version #3)	Exhibit 58			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement of Caysan Bin Don, October 8, 2001	Exhibit 59			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement concerning Mohdar Mohamed Abdullah, September 22, 2001	Exhibit 60			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>PENTTBOMB; Major Case 182</i> , September 16, 2001	Exhibit 61			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Twin Towers Bombings</i> , September 12, 2001	Exhibit 62			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Biographical Information on the 19 Suspected Hijackers</i> , September 29, 2001	Exhibit 63			Hearsay, FRE 602, FRE 901, Preliminary investigative material

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FBI Report, <i>Hamdan Ghareeb Al-Shalawi; IT-UBL/AL QAEDA</i> , October 16, 2003	Exhibit 64			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Interview of Omar Ahmed Mustafa Al-Bayoumi</i> , September 17, 2003 (Version #1)	Exhibit 65		Kreindler Ex. 9	Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Interview of Omar Ahmed Mustafa Al-Bayoumi</i> , September 17, 2003 (Version #2)	Exhibit 66			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement concerning Omar Ahmed Mustafa Al-Bayoumi, August 18, 2003	Exhibit 67			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Hijackers Timeline</i> , November 14, 2003	Exhibit 68		Kreindler Ex. 221	Hearsay, FRE 602, FRE 901, Preliminary investigative material
Substitution for the Testimony of Khalid Sheikh Mohammed, Defendant's Trial Exhibit #941, <i>United States v. Moussaoui</i> , No. 01-455-A (E.D. Va. 2006)	Exhibit 69			Hearsay, FRE 602, Preliminary investigative material
Prosecution Trial Exhibit #AQ01677T, <i>United States v. Moussaoui</i> , No. 01-455-A (E.D. Va. 2006)	Exhibit 70			Hearsay, FRE 602, FRE 901
FBI Report, <i>Anwar Nasser Aulaqi</i> , September 26, 2001 (Version #1)	Exhibit 71	Aver. Ex. 54 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Anwar Nasser Aulaqi</i> , September 26, 2001 (Version #2)	Exhibit 72	Aver. Ex. 55 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material

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FBI Report, <i>PENTTBOMB</i> , September 26, 2001	Exhibit 73	Aver. Ex. 57 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Anwar Nasser Aulaqi, aka N.A. Aulaqi, Anwar N. Alaulaqi; IT-UBL</i> , October 23, 2001	Exhibit 74	Aver. Ex. 58 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI 302 Statement concerning Anwar Nasser Aulaqi, September 27, 2001	Exhibit 75	Aver. Ex. 59 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, <i>Anwar Aulaqi; IT-UBL</i> , May 9, 2002	Exhibit 76	Aver. Ex. 60 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Memorandum, <i>Abu Atiq Anwar Aulaqi</i> , December 1, 2006	Exhibit 77	Aver. Ex. 61 (ECF No. 2930)		Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI documents released in response to a Freedom of Information Act (“FOIA”) request concerning Anwar Nasser Aulaqi and Umar Farouk Abdul Mutallab	Exhibit 78			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, Shareef Abdulmuttaleb El-Arbi, (USPER), IT-UBL/AL-QAEDA, February 4, 2003 (Version #1)	Exhibit 79			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, Shareef Abdulmuttaleb El-Arbi, (USPER), IT-UBL/AL-QAEDA, February 4, 2003 (Version #2)	Exhibit 80			Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI Report, Shareef Abdulmuttaleb El-Arbi, (USPER), IT-UBL/AL-QAEDA, February 4, 2003 (Version #3)	Exhibit 81			Hearsay, Preliminary investigative material

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Excerpt from FBI Report concerning Anwar Nasser Aulaqi, September 15, 2001	Exhibit 82			Hearsay, FRE 602, FRE 901, Preliminary investigative material
Excerpt from FBI Report concerning Anwar Aulaqi, September 21, 2001	Exhibit 83			Hearsay, FRE 602, FRE 901, Preliminary investigative material